



Attorney's Docket No.: 16904-705; #20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Edward W. Knowlton. ) Group No. 1501  
Application No.: 08/635,202 ) Examiner: Amy Hulina  
Filed: April 17, 1996 )  
Title: Apparatus For Controlled Contraction of )  
Collagen Tissue )

**RENEWED PETITION FOR REVIVAL UNDER 37 C.F.R. §1.137(b)**

**Box DAC**  
U.S. Patent & Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Pursuant to 37 C.F.R. §1.137(b), Applicants hereby petition the Commissioner to revive the above-identified application. This petition is accompanied by 1) issue fee; 2) the petition fee as set forth in 37 C.F.R. §1.17(m); and 3) Transmittal of Formal Drawings and Formal Drawings.

Applicants unintentionally delayed in paying the issue fee because of their failure to receive the "Notice of Allowance and Issue Fee Due" issued by the Examiner on September 29, 1997. As shown clearly by the Notice of Allowance, this document was mailed to Applicants' old address at Menlo Park, CA, instead of the current address at Palo Alto, CA as evidenced by Applicants' Amendment filed on December 16, 1996. As a result, Applicants failed to pay the issue fee before the due date. Pursuant to 37 C.F.R. §1.137(b), Applicants hereby state that the entire delay is unintentional.

For these reasons, favorable action on this petition is respectfully solicited.

Respectfully submitted,

Date: Dec. 27, 2001

By: Shirley Chen  
Shirley Chen, Ph.D.  
Registration No. 44,608

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304-1505  
Direct line: (650) 565-3856  
Client No. 021971

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: Box ISSUE FEE  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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PALLI DAVIS  
HAYNES & DAVIS  
2190 SAND HILL ROAD SUITE 310  
MENLO PARK CA 94025-6925

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/635,202	04/17/96	031	HULIKAI, A	1501 09/29/97
First Named Applicant: KNOALTON, EDWARD W.				

TITLE OF INVENTION: APPARATUS FOR CONTROLLED CONTRACTION OF COLLAGEN TISSUE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	KNOW-1001DIV	424-400.000	511 UTILITY	YES	\$645.00	12/29/97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

### HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
  - A. Pay FEE DUE shown above, or
  - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.
- III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**



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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Serial Number	08/635,202	Filing Date	04/17/96	Current Status	KNOWLTON	Examiner	B	Office Action	KNOW-1001DIV
15M2/0929						HUIJINA, A			
PAUL DAVIS HAYNES & DAVIS 2180 SAND HILL ROAD SUITE 310 MENLO PARK CA 94025-6935						1501			
DATE MAILED: 09/29/97									

NOTICE OF ALLOWABILITY

PART I.

- ☒ This communication is responsive to 9/26/97
- ☒ All the claims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course
- ☒ The allowed claims are 49-61
- ☐ The drawings filed on \_\_\_\_\_ are acceptable.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [ ] been received. [ ] not been received. [ ] been filed in parent application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_
- ☐ Note the attached Examiner's Amendment.
- ☐ Note the attached Examiner Interview Summary Record, PTO-L-413.
- ☐ Note the attached Examiner's Statement of Reasons for Allowance.
- ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-89.
- ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE (IF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED).
- ☒ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - ☒ Drawing informalities are indicated on the NOTICE RE: PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 3 CORRECTION IS REQUIRED.
  - ☐ The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-L-413
- Reasons for Allowance
- Notice of References Cited, PTO-89
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

*Amy Huijina*  
AMY HUIJINA  
PRIMARY EXAMINER  
GROUP 1500

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
16904-705

First named inventor: Edward W. Knowlton

Application No.: 08/635,202

Group Art Unit: 1501

Filed: April 17, 1996

Examiner: A. Hulina

Title: Apparatus For Controlled Contraction of Collagen Tissue

U.S. Patent & Trademark Office  
Box DAC  
P.O. Box 2327  
Arlington, VA 22202

The above-identified application because abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal Disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional/

## 1. Petition fee

- ☒ Small entity – fee \$ 640.00 (37 CFR 1.17(m)) (Charge Deposit Account 23-2415)
- ☐ Small entity statement enclosed herewith.
- ☒ Small entity statement previously filed.
- ☐ Other than small entity – fee \$ \_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above noted Office action in the form of  
Supplemental Amendment (identify type of reply):

- ☒ has been filed previously on Faxed on 9/24/1997
- ☐ is enclosed herewith.

B. The issue fee of \$ 640.00.

- ☐ has been paid previously on \_\_\_\_
- ☒ is enclosed herewith.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_ for a small entity or \$ \_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dec. 27, 2001  
DateWilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 21971Shirley Chen  
Shirley Chen, Reg. No. 44,608**RECEIVED**

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being:

- ☒ deposited with the US Postal Service as Express Mail Label No. EL473989683US as express mail in an envelope addressed to:  
Box DAC, U.S. Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202

December 27, 2001  
DateDonna L. Hengst  
Donna L. Hengst